

### **REMARKS/ARGUMENTS**

The Office Action mailed April 6, 1990 has been carefully considered. After such consideration, Claims 40 has been amended to more particularly define the applicant's invention over the references. Reconsideration of the application is respectfully requested in light of the claim amendment and for the reasons presented herein.

The Examiner rejected Claims 40 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,211,308 to Decker *et al.* Claim 40, as amended herein, is submitted to overcome this rejection. More specifically, the single outlet Decker *et al.* does not disclose an outlet funnel having a continuous wall convergent on a single outlet of the dispenser. Furthermore, Decker *et al.* does not disclose an unobstructed passageway from the centralized opening of the exit funnel to the outlet of the dispenser. Therefore, Claim 40, as amended, does not read on Decker *et al.* Accordingly, Applicant respectfully requests the rejection of Claim 40 as being anticipated by Decker *et al.* be withdrawn.

The Examiner also rejected Claim 40 under 35 U.S.C. 103(a) as being unpatentable over Decker *et al.* in view of U.S. Patent No. 4,905,686 to Beane *et al.*, or over Beane *et al.* in view of Decker *et al.* The Examiner states that it would have been obvious to one of ordinary skill to provide the outlet of Decker *et al.* as a conventional single outlet of Beane *et al.* to dispense the paper to reduce the number of parts and costs. The Examiner further asserted that it would have been an obvious matter of design choice to provide the nozzle of Beane *et al.* at an angle as taught by Decker *et al.* to direct paper to the user.

These rejections have been overcome by the foregoing claim amendments, because to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). As the prior art references do not teach or

suggest all the claim limitations of Claim 40, as amended herein, the obviousness rejections should be withdrawn.

Thus, the Counsel for Applicant submits that by this amendment it has answered all issues remaining in the case and thus has placed the case in condition for immediate allowance. Such action is respectfully requested. However, if any issue remains unresolved, Counsel would welcome the opportunity for a telephone interview to expedite allowance and issue.

Respectfully submitted,



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